

CERTIFICATE OF FACSIMILE UNDER 37 CFR § 1.8

I hereby certify that this correspondence, and any attachment thereto, is being transmitted to the United States Patent Office by facsimile transmission to 571-273-8300 on the date indicated below.

Debra Michelle Clark
Debra Michelle Clark

10/18/2006
Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

OCT 18 2006

In re Application of:
Lail et al.

Docket No.: C0025A

Serial No.: 10/661,204

Art Unit: 2839

Filed: September 12, 2003

Examiner: Hyeon, Hae M.

Title: Optical Tube Assembly Having A Dry
Dry Insert And Methods For Making
The Same

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicants bring to the attention of the Examiner the document(s) listed on the attached PTO 1449. This Information Disclosure Statement is being filed in conjunction with a petition to withdraw an application from issue and a Request for Continued Examination (RCE). More specifically, this IDS is the submission for the RCE.

☒ Under 1.97(b) after the filing date of the application, but, to the best of Applicants' knowledge:

☐ within three (3) months of the filing date of the National application, which is not a continued prosecution application (CPA) under § 1.53(d); OR

☐ within three (3) months of the date of entry of the National stage as set forth in §1.491 in an international application; OR

☐ before the mailing of a first Office Action on the merits; OR

☒ before the mailing of the first Office Action after the filing of a Request for Continued Examination (RCE) under § 1.114.

RECEIVED
CENTRAL FAX CENTER

Lail et al.
SN: 10/661,204
IDS
Page 2

OCT 18 2006

☐ Under 1.97(c) after the events recited above, but, to the best of Applicants' knowledge before the mailing date of any of a final action under § 1.113, a Notice of Allowance under § 1.311, or an action that otherwise closes prosecution in the application, and this submission is accompanied by:

☐ the statement specified in § 1.97(e); OR

☐ the fee set forth in § 1.17(p).

☐ Pursuant to 1.97(d) after the events recited above, but, to the best of Applicants' knowledge before payment of the issue fee, and this submission is accompanied by:

☐ the statement specified in § 1.97(e); AND

☐ the fee set forth in § 1.17(p).

STATEMENT SPECIFIED IN § 1.97(e)

Pursuant to 1.97(e), Applicants hereby state and affirm that:

☐ each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this information disclosure statement; OR

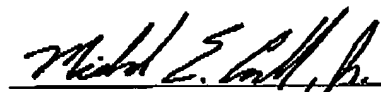
☐ no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in § 1.56(c) more than three (3) months prior to the filing of this information disclosure statement.

Lail et al.
SN: 10/661,204
IDS
Page 3

☒ Pursuant to the waiver of the requirement under 37 CFR 1.98(a)(2)(i), no copies of U.S. patents and/or U.S. patent application publications are included herewith because the above-identified application was filed after June 30, 2003.

Applicants respectfully request that the Examiner consider the listed document(s) and indicate that they were considered by making appropriate notations on the attached form. This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed document(s) are material or constitute "prior art." If the Examiner applies any of the document(s) as prior art against any claims in the application and Applicants determine that the cited document(s) do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document(s). Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document(s), should one or more of the document(s) be applied against the claims of the present application. If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 19-2167.

Respectfully submitted,



Michael E. Carroll, Jr.
Attorney for Applicants
Registration No. 46,602
P.O. Box 489
Hickory, N. C. 28603
Telephone: 828/901-6725
Facsimile: 828/901-5206

Date: 10/18/06

OCT. 18. 2006 3:04PM

CCS LEGAL

RECEIVED
CENTRAL FAX CENTERP. 5
Sheet 1 of 1

OCT 18 2006

FORM PTO-1449 U.S. Department of Commerce Patent and Trademark Office				Attorney Docket Number: C0025A		Serial Number: 10/661,204	
LIST OF RELATED DOCUMENTS CITED BY APPLICANT (Use several sheets if necessary)				Applicant: Lail et al.			
				Filing Date: September 12, 2003		Group: 2839	
U. S. PATENT DOCUMENTS							
Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	AA	6,321,012B1	11/20/01	Shen	385	106	08/30/99
	AB	6,463,199B1	10/08/02	Quinn et al.	385	109	09/29/02
	AC	6,714,708B2	03/30/04	McAlpine et al.	385	110	03/30/01
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
FOREIGN PATENT DOCUMENTS							
		Document Number	Date	Country	Class	Subclass	Translation Yes No
	AK	2434280	02/05/76	Germany	G02B	5-14	No
	AL						
	AM						
	AN						
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
	AO	United States Patent Application Publication No. 2004/0156603A1, 08/12/04					
	AP						
	AQ						
EXAMINER					DATE CONSIDERED		